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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JAN 27 1993  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Administration of the  
North American Numbering Plan

Notice of Inquiry

CC Docket No. 92-237  
Phase II

REPLY OF ALLNET COMMUNICATIONS SERVICES, INC.

Allnet Communication Services, Inc. (Allnet) hereby replies to the Phase II portion in the Notice of Inquiry in the above captioned proceeding.<sup>1</sup> In this phase of the proceeding, the Commission requested comments on whether the local exchange carriers (LECs) should be allowed to increase the length of the dialing prefix required to access the intraLATA toll competitors of the LECs, i.e., the "10XXX" dialing prefix.<sup>2</sup> The comments filed in this proceeding generally ignore the increase in the unlawful discrimination that would result from lengthening the 10XXX access codes by additional digits.

<sup>1</sup>The Commission deferred reply comments regarding the Phase I portion of the proceeding to February 24, 1993.

<sup>2</sup>For example, if an end user wishes to make an interstate toll call within the District of Columbia LATA, and the end user dials only 1+ the ten digit telephone number of the called party, the LEC (typically C&P) automatically strips the call and carries the call on its own network. In other words, C&P is the only carrier in the DC LATA that has 1+ intraLATA toll dialing. C&P has refused to provide dial-1 equal access for intraLATA toll dialing in both the DC LATA and all other LATAs that it serves. In order for an end user to dial-around C&P's unlawful toll stripping mechanism, the end user must dial the "10XXX" prefix of the desired carrier before dialing the 1+ the ten digit telephone number of the called party. If the FCC gives into the suggestions of the major LECs, the 10XXX dialing prefix to dial around C&P and all other major LECs, will become even longer and, therefore, more onerous and unreasonable to use.

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Not surprisingly, most major LECs continue to illegally monopolize 1+ intraLATA dialing for toll calling and urge in their comments that the FCC expand even further the toll dialing disparity that they benefit from today.<sup>3</sup> By lengthening the 10XXX access codes end users will be even less inclined to use the intraLATA toll calling services of the competitors of the local exchange carriers. The increased competitive advantage that will come from handicapping the toll services of LEC competitors, according to the LEC's, is well worth the millions of dollars in upgrading of LEC switching to accommodating a longer and more onerous access code.<sup>4</sup> On the other hand, the small LECs, who either provide intraLATA dial-1 equal access (so that any carrier's toll services can be accessed without dialing the 10XXX code) or do not provide toll services themselves, find the millions of dollars in switch upgrades a waste of money.<sup>5</sup>

The bottom line question is simply whether this Commission will endorse a policy of increasing the toll dialing advantage that the LEC's provide for their own toll services, while burdening ratepayers with the price tag for the network upgrades that are needed for making such an increase in toll dialing disparity possible. In other words, the major LECs are looking to the FCC to endorse and direct them to engage in one of the most blatant anticompetitive acts in the history

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<sup>3</sup>The FCC has plenary jurisdiction with regard to dialing plan issues in the United States. Also, the Commission has exclusive jurisdiction over the blocking and routing of interstate telephone calls, and that power supercedes that of state public utility commissions where intrastate calling cannot be severed from interstate calling. See, for example, In the Matter of Petition for Expedited Declaratory Ruling Filed by National Association for Information Services, Inc., Audio Communications Inc. and Ryder Communications, Inc., Memorandum Opinion and Order, released January 22, 1992.


<sup>4</sup>See, for example, Comments of NYNEX at 5, SWBT at 9-11, Ameritech at 1-8, Bell Atlantic at 2-4, USTA at 10-13, Pacific Bell/Nevada Bell at 8-10, Bellcore (owned by the BOCs) at 10.

<sup>5</sup>See, for example, NCTA at 2, North Pittsburgh at 4.

of telecommunications -- and then have ratepayers foot the bill for these changes. If the FCC endorses this anticompetitive conduct, the major LECs will raise this point to claim antitrust immunity.

The FCC should not be used as such an accomplice to such anticompetitive acts. Instead, the FCC should require that any increase in the length of existing CIC access codes be preceded by mandatory nationwide intraLATA toll dialing parity -- the technology already exists in the network and simply needs to be activated. End users and toll competitors should not have be forced to wait any longer. No ifs, and's or but's.<sup>6</sup>

Respectfully submitted,  
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Dated: January 27, 1993

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<sup>6</sup>As had been extensively documented in pending a number of complaint (adjudicatory) proceedings before the FCC, there is no dispute among the parties that the technology exists *in the network today* that will allow an end user to pick either their interLATA carrier or their local exchange carrier as their 1+ intraLATA toll provider. [This is called the "modified 2-pic method"] See, for example, Allnet v US West, File No. E-89-38; also, Allnet v. Illinois Bell, et. al., File Nos. E-91-30 through 91-34. The software needed for the "full 2-pic method" has already been offered by the major switch manufacturers (Northern Telecom, AT&T, and NEC). The full 2-pic method allows the intraLATA dial-1 toll provider to be a carrier other than the end user's LEC or interLATA toll provider.

### Certificate of Service

I, Angela Slaughter, hereby certify that I have caused to be served on this date, January 27, 1993 a true copy of the forgoing Allnet Reply by postage-prepaid first class mail to the parties on the attached service list.

A handwritten signature in cursive script, appearing to read "A. Slaughter".

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